amo REPORT

REPORT SERIES 1988

88-12 RESPONSE TO "A REVIEW OF THE CONSERVATION AUTHORITIES PROGRAM"

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
DECEMBER, 1988

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario is a non-partisan voluntary organization united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total inter-governmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some seven hundred (700) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interests.

The following Sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural Section (ROMA)
* Small Urban Section (OSUM)

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario
* Urban Finance Officers Association of Ontario

To the Municipal Clerk:

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TABLE OF CONTENTS

		Page
1.	Executive Summary	2
2.	Introduction	3
3.	Background	4
4.	AMO Response to the Major Issues Identified in "A Review of the Conservation Authorities Program"	5
5.	AMO Response to the Recommendations of "A Review of the Conservation Authorities Program"	9
6.	Amendments to the Conservation Authorities Act Previously Requested by the Association of Municipalities of Ontario	21
7.	Conclusions	22
8.	Rural Section (ROMA) Minority Position	23
9.	Small Urban Section (OSUM) Minority Position	24
10.	Appendix A - Membership of County and Regional Section Sub-Committee on Conservation Authorities	25

This report was forwarded in early December 1988 to the Honourable Vincent Kerrio Minister of Natural Resources and the Honourable John Eakins Minister of Municipal Affairs.

EXECUTIVE SUMMARY

The following report represents the Association of Municipalities of Ontario's response to the report entitled, "A Review of the Conservation Authorities Program" as released by the Minister of Natural Resources in June, 1988.

The report recognized the importance of conservation authorities and recommended their continuation, albeit in a somewhat more streamlined fashion, in terms of the numbers of authorities, representatives on authorities and consistency of conservation authority responsibilities.

The Association, through the lead of its County and Regional Section, formulated a response which generally recognized a need for some streamlining and efficiency improvement but, on the whole, found the proposed changes to be somewhat excessive. The Association supports a less drastic reduction in conservation authority membership than that which is proposed and questions the need for the large number of amalgamations which have been proposed.

In addition, the Association is recommending a three tier system of conservation authority service delivery which will serve to simplify and clarify the system of service delivery and responsibility without sacrificing the autonomy of individual authorities.

The municipal position is, therefore, a mixed response, recognizing the need for some type of restructuring of the conservation authority system but also suggesting some alternatives to certain more extensive changes.

AMO's comments have been submitted to the Minister of Natural Resources and the other Ministries involved in the preparation of the Review of the Conservation Authorities Program report. This report will hopefully be of assistance to the government in attempting to plan the future role and responsibilities of conservation authorities in Ontario.

INTRODUCTION

The first formal conservation authorities were formed in 1946 with the passage of the Conservation Authorities Act. By the end of 1946 there were three conservation authorities operating in Ontario, the Etobicoke River, the Ausable River and the Ganaraska River.

Today, in 1988, there are 38 conservation authorities in Ontario having jurisdiction over areas where 90 percent of Ontario's population resides and including almost all of Southern Ontario and a portion of Northern Ontario.

Conservation authorities are established on a watershed basis and, as outlined in Section 20 of the Conservation Authorities Act, "The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals." Generally, conservation authorities are responsible for water management including flood and erosion control, drainage, water quality monitoring, wetland areas, forest management, wildlife management, outdoor recreational facilities, education programs related to conservation and certain other conservation related activities.

Conservation authorities' costs are shared between the Province of Ontario and the various municipalities within individual watersheds. The decision making bodies of conservation authorities are made up of both municipal and provicial representatives. Currently, there are 11 Regional municipalities and 497 local municipalities participating in authorities with membership on authorities ranging from 7 members to 53 members.

In August, 1986, the Provincial Cabinet approved the establishment of an Interministerial Committee comprised of senior staff of the various ministries involved in the activities of conservation authorities, to review the conservation authorities program. In particular, the committee was asked to review the mandate, responsibilities, effectiveness, accountability, level of funding and grant rates of the conservation authorities program.

In June, 1988, the report entitled, "A Review of the Conservation Authorities Program" was released by the Honourable Vincent Kerrio, Minister of Natural Resources and circulated to municipalities involved in conservation authorities and other interested agencies.

The purpose of this report is to offer the views of the Association of Municipalities of Ontario and its constituent Sections, in the form of a response to "A Review of the Conservation Authorities Program". In offering a response to the report, the Association has reviewed past Association positions related to conservation authorities, and made recommendations which will improve the structure, accountability and efficiency of conservation authorities from the municipal viewpoint.

BACKGROUND

The Association has been offering comment on various matters related to conservation authority reform for some time. The Association, through its County and Regional Section Executive Committee has been deeply interested in the matter of conservation authorities, particularly in terms of effective representation and accountability vis-a-vis municipalities.

AMO Report 83-5: Reform and Revision of Conservation Authorities in Ontario was released in May, 1983 and represented the first overall Association position on conservation authorities. This report addressed a number of matters such as the mandate and structure of conservation authorities as well as a number of legislative changes to the Conservation Authorities Act. In 1985, the Association was involved in a joint Association of Municipalities of Ontario/Association of Conservation Authorities of Ontario/Ministry of Natural Resources Committee and, in the fall of 1985, the AMO Board of Directors endorsed the resultant joint committee report on conservation authorities. This report, once again, addressed the structure and accountability of authorities and requested a number of legislative changes to the Conservation Authorities Act.

In 1986, the Provincial Cabinet struck a committee of Deputy Ministers from the affected Ministries to review these and other issues affecting conservation authorities. This culminated in the release of the report entitled: "A Review of Conservation Authorities Program" in June of 1988. At a joint meeting of the Association of Conservation Authorities of Ontario and the Association of Municipalities of Ontario on June 29th, 1988, the Honourable Vincent Kerrio, Minister of Natural Resources commented on the release of the report stating:

> "We need to make program delivery more consistent, clearly define responsibilities, clarify the conservation authorities' role in recreation and find the funds to maintain the existing investment in water management structures."

The report has been circulated to all conservation authorities and all municipalities involved in conservation authorities in Ontario. A deadline for responses to this report was set for December 31st, 1988.

The County and Regional Section of AMO, having been designated as a lead team by the AMO Executive Committee for the purposes of preparing a draft response for consideration by the AMO Board of Directors, established a sub-committee to assist in drafting a report. The draft response was circulated to each of the Section Executive Committees of AMO and was formally ratified by the AMO Board of Directors on December 9th, 1988.

AMO RESPONSE TO THE MAJOR ISSUES IDENTIFIED IN "A REVIEW OF THE CONSERVATION AUTHORITIES PROGRAM"

i) **There is a lack of agreement between the Province and the municipalities on the specific responsibilities of C.A.s**

The Association is of the view that while there may be some lack of agreement within certain municipalities as to the specific responsibilities of conservation authorities, the problem has been somewhat overstated. The Association is of the view that municipalities are more concerned about the governance mechanisms which apply to conservation authorities. The Association does not concur that any lack of agreement as to the specific responsibilities of conservation authorities is a major issue to the vast majority of municipalities.

ii) **The fact that C.A.s can opt in or out of various programs and/or components thereof leads to inconsistencies in the delivery of programs and services across the Province.**

Once again, the Association feels that this has been overstated by the Interministerial Committee, in that municipalities do not feel that this is a major problem area. Due to the geographic and historical differences and the unique nature of many conservation areas, some authorities may not require the delivery of certain programs and services and it is therefore desirable to be able to opt out if an authority so wishes. The operation of heritage sites provides an excellent example of such a service which an authority may wish to opt out of.

iii) **An expansion or reduction in the delivery of resource management programs at the local level through C.A.s impacts on the effectiveness and efficiency of both the affected ministries and the C.A.s.**

The Association generally agrees with this statement. However, the Association is of the view that individual authorities have individual needs and any reduction or expansion in services based on individual needs should not adversely impact the authority. The Association is of the view that individual ministries may find it administratively burdensome to have to deliver some programs in certain watersheds and not in others, however the vast majority of authorities will deliver a program if there is a recognized need for it.

For these reasons, the Association suggests that perhaps three levels of programs should be established.

Firstly, there should be a level of core programs which all conservation authorities would be required to deliver. These programs would consist of those deemed to be essential and necessary to the role and function of any conservation authority.

Secondly, the Association is of the view that there should be a level of non-core programs which the Ministry could delegate to conservation authorities for them to deliver in such service areas as the province deems necessary. Such delegated provincial programs should then be provincially funded on a contract basis.

The third level of program would be a level of fringe programs which individual conservation authorities should be able to opt into should they deem a service to be of use in that particular authority. These optional fringe programs would, of course, be funded by the local authority or through the establishment of a special levy to pay for a particular service.

The Association is of the view that this sort of three tiered arrangement would allow for efficient delivery of core programs on a uniform basis, while still allowing for individual differences in programs to be determined and funded by either the province or the authority itself.

iv) **The ability of C.A.s to deliver various programs and services in a consistent manner and the effectiveness and efficiency of their operations is adversely affected by the current number of C.A.s, the extreme variability of their local financial base, and the substantial difference in their administrative and technical capabilities.**

The Association would agree that there may be some instances of this problem but is of the view that the inability of some conservation authorities to deliver certain programs is not necessarily related so much to the numbers of authorities, but is more likely due to the fact that many municipalities are not aware of the potential of conservation authorities and what they are able to undertake in terms of services.

The Association has recognized that there may be logistical reasons for adjusting the boundaries, and hence the numbers, of some conservation authorities. However, the Association continues to support the recommendation of the joint AMO/ACAO/Ministry of Natural Resources report of 1985 which stated, "that the Minister of Natural Resources request the ACAO to establish a small group of Authority members and staff to assist the Authorities with an unbiased review of individual situations in this regard".

v) **Due to the large number of members on many C.A.s, Executive Committees are required. As a result, many of the members are not involved in the policy setting and decision making of the Authority and, therefore, lack accountability for the activities of their C.A.**

The Association strongly agrees with this statement. It is the view of the Association, as stated in past positions, that executive committees are not desirable but that the large size of some authorities make such committees necessary.

The Association has strong concerns with respect to the accountability of authority members and is of the view that where executive committees exist, they have a clearly defined role relative to the full authority and that they only make recommendations for approval of the full authority. An exception could exist should a full authority give their executive committee jurisdiction over specific administrative duties related to certain procedural matters, i.e. fill permits.

vi) **The municipal and provincial appointment process requires review to ensure that the appointed members effectively represent the interests of and are accountable to the appointing body.**

The Association strongly agrees with this statement. In the 1985 Joint AMO/ACAO/Ministry of Natural Resources report on Conservation Authorities, Appendix A, a guideline entitled "Responsibilities of Municipal Appointed Members of Conservation Authorities" was included. The representatives of the three organizations involved in the preparation of the joint report felt that this guideline, along with the letter to Provincial appointees which was also included as Appendix B, outlined in detail the role of the appointees in terms of their responsibilities to represent the interests of both the authority and the appointing bodies. The guideline also discusses the importance of regular reporting mechanisms to the appointing bodies.

The Association is supportive of the above statement and would suggest that any review include the Guideline and Letter as jointly prepared in 1985.

vii) **The variable grant rates amongst C.A.s, as a result of supplementary grants and the formula used to determine these grants, create problems for the Province, C.A.s, and their member municipalities.**

The Association is unclear as to the magnitude of the problems caused by the current supplementary grant formula. While the Association will be giving consideration to the restructured grant formulas proposed later in the report, it is the view of the Association that problems created by the existing supplementary grant formula are not particularly burdensome for municipalities or conservation authorities.

viii) **Currently, the amount and distribution of funding for C.A.s does not enable them to properly maintain the existing water control structures and recreation facilities, nor to proceed with urgent new flood and erosion control works.**

The Association is in agreement with this statement. The inadequacy of the current funding arrangement limits the ability of conservation authorities to adequately maintain existing facilities, particularly structural facilities which continue to deteriorate and require some degree of regular maintenance.

ix) **Since C.A.s do not have a multi-year commitment of base level funding to their various programs by the Province, this creates problems in scheduling projects and arranging the necessary municipal funding.**

Again, the Association is in general agreement with this statement. The lack of long range funding commitments seriously limits the ability of conservation authorities to undertake any sort of long term planning or scheduling of projects. As a result, planning is generally done on an ad hoc or incremental basis.

x) **The current system of internal approvals for, and other external controls on C.A.s should be reviewed to improve the efficiency of the program. In this regard, the C.A.s should be made more responsible and accountable for their individual actions.**

The Association is in complete agreement with this statement. The Association is receptive to reviewing any attempts which would serve to make conservation authorities more accountable and efficient.

AMO RESPONSE TO THE RECOMMENDATIONS OF "A REVIEW OF THE CONSERVATION AUTHORITIES PROGRAM"

NOTE: The Association would like to comment with respect to the use of the word "limited" throughout the recommendations section of the report. The Association, while verbally advised that "limited" should be interpreted to mean "shared", is of the view that the full level of responsibility of each participating agency, should be detailed in each of the recommendations which make use of the word "limited". This type of clarification would assist in terms of effectively understanding and responding to such recommendations.

1. **THAT CONSERVATION AUTHORITIES SHOULD CONTINUE TO OPERATE ON A WATERSHED BASIS WITH STRONG LOCAL INITIATIVE AND THE SHARING OF PROJECT COSTS BETWEEN THE PROVINCE AND THE MEMBER MUNICIPALITIES.**

The Association strongly supports the continuation of the current system whereby conservation authorities operate on the established and proven watershed basis. The Association would stress the need to continue with cost sharing between the Province and member municipalities and, due to the municipal financial commitment, the need for strong representation from local municipalities within the watershed.

2. **THAT ONCE SPECIFIC RESPONSIBILITIES HAVE BEEN ASSIGNED TO C.A.'S, INDIVIDUAL C.A.'S CANNOT DECIDE TO OPT IN OR OUT OF VARIOUS PROGRAMS OR COMPONENTS THEREOF.**

The Association is concerned that the report proposes the delivery of certain programs across the Province with very little discretion given to individual authorities. This erosion of local autonomy is expressed in various recommendations throughout the report and is a cause of some concern to the Association.

As discussed in response to major issue (iii), the Association of Municipalities of Ontario is of the view that there should be a three tiered system of program delivery.

The Association strongly believes that there are specific conservation authority programs which should be defined as "core" programs which all conservation authorities should be involved in delivering. The Association would stress that there should be some agreement between conservation authorities as to what "core" programs actually are. Once such a system has been set up and "core" programs have been defined and implemented, individual authorities should not be able to opt out of the provision of such programs. An example of a possible "core" program might be floodplain management.

The Association is of the view that the second level of program delivery should be non-core programs which the province may delegate to local authorities for local delivery. Should the province deem it necessary to delegate program responsibility, the province should provide for the funding of such delegated programs on a contract basis. An example of a possible provincially delegated and provincially funded program might be the maintenance of provincially owned forests.

The Association believes the third level of program delivery should establish the ability of individual authorities to opt into certain types of fringe programs which may be deemed to be important in certain local areas. These optional fringe programs should be funded by the individual local authority or by the benefitting municipality on a contract basis. An example of a possible optional fringe program offered by an authority might be heritage preservation.

The Association is therefore supportive of the recommendation with respect to established "core" programs, but would stress that the suggested assignment of "core" responsibilities should only be undertaken after detailed consultation with all conservation authorities.

3. **THAT THE NUMBER OF C.A.'S IN SOUTHERN ONTARIO SHOULD BE REDUCED FROM 33 TO APPROXIMATELY 18 THROUGH AMALGAMATION. THIS REDUCTION IN THE NUMBER OF C.A.'S SHOULD OCCUR WITHIN TWO YEARS OF THE ADOPTION OF THIS REPORT BY THE PROVINCE.**

The Association would advise that the issue of conservation authority boundaries and geographic size and location has not been a great issue of concern to the overall municipal membership in the past. However, the Association advises that the proposed approximately 45 percent reduction in the number of authorities appears to be excessive in terms of the impacts on the smaller authorities and particularly the large number of smaller municipalities within existing authorities who may be facing complete loss of representation.

The Association recommends that the Ministry of Natural Resources examine this issue once again and suggests that amalgamations only be recommended for the few very small authorities where there are a number of shared similarities and where amalgamation would lead to much more efficient operations through the elimination of direct areas of duplication.

4. **THAT THE SPECIFIC RESPONSIBILITIES OF CONSERVATION AUTHORITIES SHOULD BE AS FOLLOWS:**

   A) **THAT C.A.'S BE RESPONSIBLE FOR ALL ASPECS OF FLOOD CONTROL TO PROTECT LIVES AND PREVENT PROPERTY DAMAGE IN BOTH RIVERINE LOCATIONS AND LAKESHORE AREAS INCLUDING THE GREAT LAKES**

   The Association is not entirely supportive of this statement which serves to dramatically increase responsibility of conservation authorities into the whole question of Great Lakes area flood control as a regular or "core" service. While supportive of conservation authority involvement to provide flood protection in riverine locations as a "core" service, the Association believes that conservation

authority responsibility for Great Lakes area flood control, should be strictly limited to the on-shore effects of lake levels. The Association is of the view that overall flood control and water level monitoring with respect to the Great Lakes should remain a Provincial and/or Federal government responsibility due to its unique characteristics and cross-boundary implications.

While the Association is supportive of authority involvement in terms of addressing the on-shore effects of Great Lakes' levels, the fact that the Provincial and Federal governments are currently reviewing the extent of their involvement in Great Lakes area flood control recognizes the reality of the need for either or both levels of government to actively participate in these matters.

B) THAT C.A.'S BE RESPONSIBLE FOR ALL ASPECTS OF EROSION CONTROL TO PROTECT LIVES AND PREVENT PROPERTY DAMAGE IN BOTH RIVERINE LOCATIONS AND LAKESHORE AREAS INCLUDING THE GREAT LAKES

The Association, as stated in its response to recommendation 4(a), is supportive of conservation authorities having responsibility for addressing the on-shore affects of Great Lakes' water levels. The Association is therefore supportive of this recommendation which would include all aspects of erosion control under the jurisdiction of conservation authorities in both riverine and lakeshore locations including the Great Lakes.

However, the Association is of the view that with respect to erosion control along the Great Lakes, some cost sharing arrangement between the Provincial and possibly the Federal governments should be worked out in order to avoid the inappropriate transfer of such costs to the local property tax base.

C) THAT C.A.'S NOT BE RESPONSIBLE FOR POINT POLLUTION (I.E. SEWAGE TREATMENT FACILITIES, DISCHARGES FROM INDUSTRIAL PLANTS, ETC.)

The Association is in complete agreement with this recommendation. The Association recognizes that detailed responsibilities for collection, sampling, testing and regular monitoring of sewage treatment and industrial discharges are an integral part of the Municipal Industrial Strategy for Abatement (MISA) and as such are part of a larger Provincial-Municipal program. The Association recognizes that under the MISA program, the Ministry of the Environment and municipalities will both be responsible for these matters.

D) THAT C.A.'S HAVE LIMITED RESPONSIBILITIES FOR NON-POINT POLLUTION (I.E. SURFACE RUNOFF FROM PRIMARILY AGRICULTURAL AND URBANIZED AREAS).

The Association is supportive of this recommendation provided that other Ministries such as the Ministry of the Environment are in agreement that they will have authority over all areas of non-point pollution other than those areas specifically discussed as the responsibilities of conservation authorities, i.e., urban stormwater management plans, rural drainage proposals and erosion control.

The Association is supportive of the statement made in the report that, "C.A.s could undertake research on and/or become involved in resolving non-point pollution problems in specified areas if the appropriate ministry enters into a contract for these services and provides the necessary funding".

E) THAT C.A.'S BE RESPONSIBLE FOR LOW FLOW AUGMENTATION.

The Association is supportive of this recommendation. The Association views this responsibility as an essential component of the conservation authorities mandate.

F) THAT C.A.'S NOT BE RESPONSIBLE FOR WATER TAKING PERMITS.

The Association is supportive of this recommendation given the obvious link between water quality and water taking permits. The Association is of the view that both should be the responsibility of the same agency, in this case the Ministry of the Environment. For this reason, the Association is supportive of the repeal of subsection 28(a) of The Conservation Authorities Act.

In terms of the link between low flow augmentation and water taking permits, and given the complexity of the two activities, the Association suggests that the details of specific responsibilities of the agencies responsible for these activities should be sorted out between the Ministry of the Environment, the Ministry of Natural Resources and individual authorities.

G) THAT C.A.'S HAVE LIMITED RESPONSIBILITIES FOR URBAN DRAINAGE.

This recommendation, along with recommendation 4(h) purports to set out the role of conservation authorities with respect to drainage in both urban and rural areas. Given that the text of the report is somewhat unclear as to the differences between the role of C.A.s, Ministry of Natural Resources staff have indicated that these recommendations will be further clarified in the near future.

The Association will reserve comment on recommendation 4(g) until such further information is made available.

H) THAT C.A.'S HAVE LIMITED RESPONSIBILITIES FOR RURAL DRAINAGE.

For the same reason outlined in response to recommendation 4(g), the Association will reserve comment on recommendation 4(h) until further information is made available by Ministry of Natural Resources staff.

I) THAT C.A.'S BE RESPONSIBLE FOR WETLANDS THAT ACT AS SIGNIFICANT NATURAL FLOOD STORAGE AND FLOW AUGMENTATION AREAS.

The Association supports the continuation of conservation authority involvement in the acquisition, management and protection of "significant" wetlands. It is recognized that municipalities and conservation authorities will need to have regard for the Provincial Policy Statement on Wetlands which is to be released shortly.

The Association is aware of the importance of such areas in terms of natural flood control as well as the ancillary economic and environmental benefits.

J) THAT C.A.'S BE RESPONSIBLE FOR COLLECTING WATER SAMPLES FOR THE PROVINCIAL WATER QUALITY MONITORING NETWORK.

The Association does not support the collection of water quality samples by conservation authorities, in that the actual testing and analysis of such samples is conducted by the Ministry of the Environment. The Association is of the view that the Ministry of the Environment should collect samples as well as analyze them. It is the view of the Association that one agency involved in all stages of the process can more efficiently and effectively conduct this valuable service.

However, should the Ministry of the Environment support the collection of water quality samples by conservation authorities, authorities could collect samples on a contract basis for the Ministry.

K) THAT C.A.'S HAVE LIMITED RESPONSIBILITIES FOR WATER SUPPLY.

The Association is supportive of this recommendation given that authorities can best operate those reservoirs which act as municipal water supply systems and are also used for flood control. The Association supports authority involvement in assisting in the provision of cost effective solutions to water management problems in individual situations.

Outdoor Recreation Program

L) THAT C.A.'S NOT BE RESPONSIBLE FOR PROVINCIALLY SIGNIFICANT PARKS.

The Association is supportive of this recommendation as well as the suggested review to determine which conservation authority properties should become provincial parks.

M) THAT C.A.'S HAVE LIMITED RESPONSIBILITIES FOR THE NIAGARA ESCARPMENT PARKS SYSTEM.

The Association is supportive of this recommendation which will permit conservation authorities to continue to develop and manage the land they currently own on the Niagara Escarpment. The Association also supports the proposed continuation of the current acquisition of escarpment lands provided through the Ministry of Natural Resources' funded "Niagara Escarpment Fund".

The Association is supportive of continuing the conservation authority role given the uniqueness and Provincial significance of the Niagara Escarpment Parks System.

N) THAT C.A.S BE RESPONSIBLE FOR REGIONALLY SIGNIFICANT PARKS.

The Association is supportive of this recommendation but requests that the phrase "regionally significant park" be replaced with "major park of significance to the watershed". The Association is of the view that this will serve to define what is meant by a "region" and hence eliminate some confusion with respect to this matter.

O) THAT C.A.S NOT BE RESPONSIBLE FOR LOCALLY SIGNIFICANT PARKS.

The Association is not supportive of this recommendation. While recognizing that conservation authorities should not necessarily be involved in all parks which are deemed to be locally significant, the Association recognizes that there will be tremendous fiscal implications placed upon local municipalities if conservation authorities were to divest themselves of all locally significant parks.

The Association recommends that there be no further expansion by conservation authorities into parks which are deemed to be locally significant and that conservation authorities continue to administer those locally significant parks which are currently under their mandate until such time as there has been an opportunity to review the implications of this possibility on an individual basis.

In addition, the Association is unclear as to how "locally significant" would be defined and who would be responsible for this decision.

P) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR HERITAGE CONSERVATION.

The Association is of the view that even though operation and maintenance of heritage sites is beyond traditional authority activity, authorities should be able to deliver heritage related services on an individual optional basis. Heritage related services should be established as a "fringe" type of service which individual authorities could opt into if they so wish, with funding for this service to be provided by the authority itself or perhaps through a joint arrangement made with local municipalities.

<u>Other Resource Management Programs</u>

Q) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR FOREST MANAGEMENT.

The Association would point out that the supporting text for this recommendation appears to be contrary to the recommendation itself in that the magnitude of the transfer of responsibility to conservation authorities appears to be quite large rather than "limited".

The Association does not agree with the full thrust of the recommendation in that the proposal to make conservation authorities responsible for the management of all forests owned by counties and regional municipalities appears to be excessive. The Association is of the view that agreement forests, regardless of ownership, should remain the responsibility of the Ministry of Natural Resources in that the Ministry currently has sufficient personnel to deal with agreement forest management. The transfer of this responsibility to conservation authorities would require substantial staff enhancement in order to carry out this work.

The Association recommends that all forest management be a "non-core" conservation authority program. Should an authority wish to purchase and maintain forested land for its own purposes, it should be permitted to opt into such a program on a local authority basis. In addition, the Association recommends that

conservation authorities not administer Provincially owned forests, with the possible exception of instances where such a service could be provided by authorities on behalf of the Province, on a contract basis, with full Provincial funding.

R) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR FISH AND WILDLIFE MANAGEMENT.

The Association supports this recommendation which clarifies that authorities are limited to wildlife management on their own lands and under certain specific approved program projects.

S) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR SOIL EROSION AND SEDIMENT CONTROL.

The Association is supportive of this recommendation on the assumption that the Ministry of Agriculture and Food is able to totally assume all aspects of the 12 projects which conservation authorities are currently involved in. The Association supports authorities being responsible for soil erosion on their own properties, non-agricultural lands and along natural watercourses.

T) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR WETLANDS THAT PROTECT SIGNIFICANT AREAS OF FLORA AND FAUNA.

The Association is of the view that this recommendation and the text of the report are unclear as to the extent of "limited responsibility". While the Association is supportive of the intent to manage those wetlands which are currently owned by authorities and to enlarge existing areas through the purchase of limited amounts of additional property, the Association is of the view that this statement does not effectively recognize the growing importance of retaining environmentally sensitive areas.

Therefore, the Association recommends that conservation authorities have "major" responsibilities for wetlands that protect significant areas of flora and fauna by continuing to own, maintain and acquire further such areas as they see fit.

U) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR AREAS OF NATURAL AND SCIENTIFIC INTEREST (A.N.S.I.'S) AS WELL AS SIGNIFICANT AREAS OF CAROLINIAN FLORA AND FAUNA.

The Association has similar concerns with respect to this recommendation as it does with recommendation 4(t). The text of the report is felt to lack clarity with respect to the scope of the proposed responsibility for conservation authorities.

The Association recommends that conservation authorities have "major" responsibilities for protecting significant A.N.S.I.'s by continuing to own, maintain and acquire further such areas.

V) THAT C.A.S NOT BE RESPONSIBLE FOR ANY ASPECT OF WASTE MANAGEMENT.

The Association is entirely supportive of this recommendation. While many problems have been identified with respect to waste management, the site selection process, etc., it is clearly not the role of the conservation authority to become involved in this matter.

W) THAT C.A.S HAVE LIMITED RESPONSIBILITIES FOR CONSERVATION EDUCATION.

The Association has some difficulty with this recommendation in that, while the report recognizes that conservation authorities have some role in providing educational services, it is unrealistic to mandate such educational services to always be conducted on a cost recovery basis.

The Association would suggest that the recommendation include the statement that, "all outdoor education centres owned by C.A.s must be operated on a cost recovery basis wherever possible."

X) THAT C.A.S BE RESPONSIBLE FOR PROVIDING INFORMATION TO THE PUBLIC ON SPECIFIC NATURAL RESOURCE MANAGEMENT PROGRAMS.

The Association is supportive of this recommendation.

5. THAT THE FIVE (5) C.A.S IN NORTHERN ONTARIO BE RETAINED AS DISTINCT, SEPARATE UNITS. THE BOUNDARIES OF SOME OF THESE C.A.S SHOULD BE ADJUSTED TO CONCENTRATE THEIR ATTENTION AND EFFORT ON THE ORGANIZED MUNICIPALITIES AND HENCE PRIVATELY-OWNED PROPERTY IN THE LOCAL AREA.

The Association is supportive of this recommendation on the basis that the size and geographic characteristics of Northern Ontario appears to warrant the maintenance of the existing conservation authority structure. The Association would stress the need for all authorities, including those in the North, to operate on a watershed basis as stated in recommendation 1.

The Association stresses that any boundary adjustments which are being considered be undertaken only following discussion of such adjustments with the affected authorities and in conjunction with them.

6. THAT THE MEMBERSHIP ON C.A.S BE REDUCED FROM 937 TO APPROXIMATELY 337. THE MUNICIPAL MEMBERS WILL BE APPOINTED BY THE REGIONAL MUNICIPALITIES, RESTRUCTURED COUNTY OF OXFORD, COUNTIES (IN CONJUNCTION WITH SEPARATED TOWNS AND TOWNSHIPS) AND CITIES.

The Association has historically favoured membership reductions of conservation authorities. The Association, in it's 1985 joint AMO/ACAO/Ministry recommended the following:

It is recommended that a Conservation Authority should be comprised of a maximum of 20 Regional or local municipal representatives;

and that all municipalities involved in C.A.s should actively consider an appropriate reduction in membership;

and further that there should be one Provincial appointee for every ten municipal representatives or part thereof on an Authority;

and further that those municipalities requiring advice on assisting in achieving the grouping of municipalities to effect such reductions could approach AMO for same.

The original joint AMO/ACAO/Ministry of Natural Resources Committee on conservation authorities had determined that once a conservation authority had achieved a membership of approximately 20 persons, the need for an executive committee had, on average, ceased to be a requirement. It is primarily for this reason that the Association had recommended that conservation authorities reduce their membership to approximately 20 persons.

In addition, the joint AMO/ACAO/Ministry of Natural Resources Committee on Conservation Authorities was of the view that there should also be an appropriate reduction in provincial representation on conservation authorities. For this reason, it was recommended that one Provincial appointee for every ten municipal representatives or portion thereof would achieve a further reduction in the size of conservation authorities.

The recommendation of the report which suggests a drastic reduction of some 600 members or approximately two-thirds of the existing membership of conservation authorities is felt, by the Association, to be unnecessarily excessive. While the Association recognizes the need for somewhat more streamlined and efficient authorities, the Association is of the view that the magnitude of the proposed cut serves to overstate the problem. While the Association recognizes that the grouping of municipalities, with the selection of one representative for the entire group, can be achieved to a certain extent, the proposed amount of grouping necessary to achieve this magnitude of a reduction would result in the inability of the selected representative to effectively liaise between the authority and the municipalities being represented.

In addition, the Association suggests that the proposed grouping of municipalities be undertaken on some basis using either representation by population or representation by assessment in order to establish a meaningful benchmark for selection of municipal representatives.

The Association would once again suggest that reduction of membership of authorities, on a somewhat more modest scale take place as recommended by AMO as follows:

That the Association strongly suggests that representation on conservation authorities be established on a basis of either representation by population or representation by assessment to a maximum of 20 persons, where the size of the authority makes such a reduction possible, and that there be one Provincial appointee for every 10 municipal representatives or portion thereof.

This would have the effect of reducing membership to the range of approximately 600 persons. This reduction, albeit more modest than that suggested by the Interministerial Committee, would serve to solve existing accountability and efficiency problems which have been identified.

The Association would like to address the component of the recommendation which suggests that municipal representatives be appointed by the Regional Municipalities, Restructured County of Oxford, Counties (in conjunction with Separated Towns and Separated Townships) and Separated Cities. The Association advises that it does not support extending the system which currently applies to Regional Municipalities, whereby appointments are made on a Regional basis, to Counties.

The Association would suggest that the current system which applies in Counties whereby individual component municipalities raise the local share of the conservation authority levy and make appointments based on individual municipal or municipal groupings appears to be working well. The Association sees no real need to tamper with this system as it applies to county government.

The Association recommends the maintenance of the status quo with respect to the manner in which municipal appointments are made.

7. **THAT C.A.S SHOULD LEVY THE LOCAL SHARE OF COSTS ON THE REGIONAL MUNICIPALITIES, RESTRUCTURED COUNTY OF OXFORD, COUNTIES, CITIES, SEPARATED TOWNS AND TOWNSHIPS.**

Given the position adopted with respect to the latter portion of recommendation 6, the Association is not supportive of authorities' levying counties as they currently levy regional municipalities. The Association recommends the maintenance of the current system whereby conservation authorities levy Regional Municipalities, Separated Cities, Separated Towns and Separated Townships, as well as Towns, Villages and Townships within the county government system on an individual basis.

The Association is of the view that this is a fair and equitable system which operates effectively as it is currently structured.

8. **THAT SUPPLEMENTARY GRANTS SHOULD BE ELIMINATED AND REGULAR GRANTS OF 40%, 50% OR 70% SHOULD BE PROVIDED FOR ALL PROGRAMS OF A C.A. THE APPLICABLE GRANT RATE FOR EACH C.A. WOULD BE A FUNCTION OF THE TOTAL ASSESSMENT AND POPULATION IN ITS WATERSHED(S).**

The Association is generally supportive of the elimination of supplementary grants and the proposed establishment of three levels of regular grant rates based on total watershed assessment and population on the basis that it will serve to simplify and add consistency to the existing grant structure.

The Association recognizes that the general impact of the proposed restructuring of the formula will benefit the smaller authorities, particularly those located in Northern and Eastern Ontario. While the Association has no quarrel with this, the Association would advise that the financial impacts on the larger conservation authorities appear to be quite onerous. In such areas, the Association is quite concerned that there appears

to be a shift towards increasing dependence on the property tax base for conservation authority funding.

The Association suggests that, while it is generally supportive of a restructured formula, that any restructuring be phased in over a two to three year period so as to lessen negative impacts on particular authorities.

While the Association does not disagree with a rationalized grant system, there appears to be a need to consider the effect of the proposed system on all authorities prior to the establishment of percentages such as those identified in the report. In addition, if supplementary funding is to be based on a number of factors including the ability to borrow, all municipalities should be put on an even footing including the borrowing ability of regional municipalities and counties.

While not in a position to comment on the precise percentages which were selected, the Association has a general concern that the percentages which were ultimately selected, i.e. 40%, 50% and 70%, appear to have been somewhat arbitrarily selected in order to free up $5 Million to be used on individual projects. Given the constraints on authority budgets, the Association is of the view that it would be more logical to adjust the percentages (i.e. 45, 55 and 70) and obtain the additional $5 Million required for individual projects from other provincial revenues.

The Association, while supportive of the move to at least maintain the current overall funding level, would advise that, in the examination of recent Ministry of Natural Resources transfer payments to conservation authorities, it appears that the overall level of funding is generally inadequate to meet demands and is not growing quickly enough.

MNR TRANSFER PAYMENTS TO CONSERVATION AUTHORITIES

Fiscal Year	Transfer	Percent Increase
85 - 86	$36,900,000	
86 - 87	$39,696,000	7.6
87 - 88	$42,050,000	5.9
88 - 89	$42,922,600	2.1

Given that requests for funding are two to three times approved expenditures while the rate of transfers to conservation authorities have been decreasing and will not even keep pace with inflation this year, the Association requests that overall funding for conservation authority purposes be increased to, at the very least, inflationary levels.

9. THAT THE $5 MILLION IN FUNDING FREED UP THROUGH THE CHANGES TO THE GRANT RATES SHOULD REMAIN IN THE PROGRAM AND THE TOTAL GRANT ALLOCATION BE INCREASED BY AN ADDITIONAL $5 MILLION TO MEET THE FUNDING REQUIREMENTS OF C.A.S.

The Association, in reviewing the new system, remains concerned as to the immediate effects on certain authorities, particularly the larger ones. Certain authorities will be faced with substantial reductions in their grants and should be given some sort of cushion against sudden drastic cuts to their program funding.

The Association is of the view that revenue freed up through the restructured grant system should be used to phase in the effects of the revised grant structure over a two to three year time period. This would serve to negate a radical shift in those adversely affected authorities who would otherwise be faced with an increasing proportion of conservation authority funding which is dependent on the property tax base.

While it is absolutely imperative that the $5 Million which is "freed up" continue to be available to the whole system, the Association would stress the need for increases in overall funding for conservation authorities. Given the general shortfall in authority funding to meet current required needs, the Association would remind the Ministry of the recommendation made in response to Recommendation 8, that overall funding must be increased to, at minimum, the current annual level of inflation.

AMENDMENTS TO THE CONSERVATION AUTHORITIES ACT PREVIOUSLY REQUESTED BY THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association would once again like to remind the Ministry of Natural Resources of a series of housekeeping amendments to the Conservation Authorities Act which were originally presented by the Association in its AMO Report 83-5: Reform and Revision of Conservation Authorities in Ontario and which were re-iterated in the Joint AMO/ACAO/Ministry of Natural Resources Report of 1985.

1. That municipalities be permitted to terminate their appointment(s) at any time so as to retain effective municipal representation.

2. That advisory boards be changed to standing committees and that all members of such committees must be members of the Authority so as to retain accountability in the decision making process.

3. That one half plus one of the members (simple majority) would constitute a quorum for any meeting, consistent with the Municipal Act.

4. That the Minister and the affected municipality have the same right of appeal as the applicant currently has, with respect to any decision concerning fill, construction and alteration to waterways regulations.

5. That authorities circulate a copy of preliminary budget estimates to all member municipalities for comment prior to adoption by the authority, in an effort to ensure greater financial accountability.

6. That the voting privileges for conservation authority members be revised consistent with the Municipal Act, given that authorities are comprised, for the most part, of municipal appointees.

7. That provisions similar to those contained in the Municipal Elections Act be added to the Conservation Authorities Act to provide for situations involving a tie vote in the election of any officer of the authority.

The Association recognizes that while these amendments primarily address the administrative operation of conservation authorities themselves, they will serve to improve these operations to standards consistent with existing municipal administrative operations.

CONCLUSIONS

The Association strongly believes that the conservation authority system has worked well since its inception in 1946. The Association recognizes the need for revision and program review with respect to the operation of conservation authorities, and is hopeful that the various Ministries which are involved will give serious consideration to the municipal viewpoint on this report.

From the Association's view, a number of the recommendations are quite logical and will undoubtedly result in a more streamlined and hence, more understandable system. On the other hand, the Association is somewhat concerned that certain of the recommendations appear to be excessive in proposing rather dramatic reforms which may tend to permanently damage a system that has worked relatively well.

The Association of Municipalities of Ontario is thankful for the opportunity to comment on this comprehensive document. It is the hope of the Association that the consultation process which this document fostered will result in an improved conservation authority system in Ontario.

RURAL SECTION (ROMA) MINORITY OPINION

The Rural Section (ROMA) Executive Committee is supportive of the AMO Response to "A Review of the Conservation Authorities Program" with the exception of the following:

Recommendation 4(f)

The Section disagrees with the response to recommendation 4(f) and is of the view that conservation authorities should be responsible for water taking permits.

Rationale

The Rural Section (ROMA) Executive Committee is of the view that authorities should be involved in issuing water taking permits in that the response recommends that authorities should be responsible for low flow augmentation and the Section is of the view that the two roles are complementary, one to the other. The Section is of the opinion that one agency should be responsible for both flow augmentation and water taking permits.

SMALL URBAN SECTION (OSUM) MINORITY OPINION

The Small Urban Section (OSUM) is supportive of the AMO Response to "A Review of the Conservation Authorities Program" with the exception of the following:

Recommendation 4(w)

The Section is supportive of AMO's response provided the phrase "wherever possible" is deleted.

Rationale

The Section strongly believes that outdoor education centres owned by conservation authorities must be operated on a cost recovery basis in all cases in that this will lead to more accountable and efficient operations.

APPENDIX A

Membership of County and Regional Section Sub-Committee on Conservation Authorities

Ron Book, Councillor, Regional Municipality of Niagara and Sub-Committee Chairman

Bob Foulds, Administrator-Clerk, County of Kent and Second Vice-Chairman, County and Regional Section

Jim McLaughlin, Councillor, United Counties of Leeds and Grenville

Ken Seiling, Chairman, Regional Municipality of Waterloo

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